



To: Council of Environmental Quality, Executive Office of the President

August 9, 2018

RE: Public Comment for Docket No. CEQ–2018–0001 Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

On behalf of more than 3.2 million American for Prosperity activists across all 50 states, I write to express our support for this Council's efforts to update and streamline the procedural provisions of the National Environmental Policy Act (NEPA). NEPA was adopted in 1969, with the stated purpose of requiring federal agencies to review the environmental impacts of their activities. In the nearly 50 years since its enactment, compliance with NEPA has become more and more complex, stifling innovation and investment opportunities, costing our nation thousands of well-paying jobs, as well as eroding the productivity gains that stem from having adequate infrastructure to support robust economic growth.

We are encouraged to see this administration prioritize the need to enhance and modernize the federal environmental review process. The time and the costs to prepare documents such as the Environmental Assessments (AEs) and the Environmental Impact Statements (EIs)—crucial steps in the NEPA review process—have only grown more onerous with time. A Heritage Foundation study finds that the average time to complete a NEPA impact assessment for a transportation project has expanded from 2.2 years in the 1970s, to 4.4 years in the 1980s, to 5.1 years between 1995 and 2001, and to 6.6 years in 2011.¹ These delays can be incredibly costly and slow down critical infrastructure maintenance that needs to be completed in a timely manner.

Furthermore, the cost of preparing the assessments themselves is simply unsustainable. The U.S. Department of Energy (DOE) reported that the cost of completing an EA ranges between \$3,000 and \$1.2 million, with a median expense of \$65,000. And for larger EIs documents, the DOE reports that the average cost to reach completion was \$6.6 million.² These costs are outrageous and taxpayers deserve better than a complex system that wastes their hard-earned dollars.

One clear example of just how complicated and burdensome this practice has become is the review process for a project to raise the Bayonne Bridge between New Jersey and Staten Island. The full assessment amounted to 10,000 pages and took five years to complete.³ Consider also that the Council of Environmental Quality (CEQ) has issued over 35 different sets of guidelines on NEPA

implementation.⁴ This constant revision and reinterpretation has added to, rather than alleviated, the complexity of compliance. Today, the NEPA review process continues to be a significant roadblock for federally funded construction and infrastructure investments.

The American economy relies on a modern and well-maintained infrastructure system. We all lose when governments erect layers of bureaucracy that unnecessarily impede progress and innovation in the infrastructure market. Our nation possesses the financial and intellectual capital necessary to accomplish the required infrastructure upgrades, but the unworkable status quo of the current regulations is drowning our potential in a sea of red tape.

As the CEQ embarks on this innovative reform effort, we urge you to streamline interagency coordination by updating obsolete provisions that cause unnecessary delays in infrastructure project approvals. Enforceable timelines, better predictability, and more transparency are indispensable features that must be included in order for your reforms to be effective. Further, we urge you to work with lawmakers in Congress to make the necessary statutory changes that will ensure long-lasting reforms to ignite America's infrastructure revitalization.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Gardner". The signature is fluid and cursive, with the first name "Brent" and last name "Gardner" clearly distinguishable.

Brent Gardner

Chief Government Affairs Officer | *Americans for Prosperity*

¹ Diane Katz, "[Time to Repeal the Obsolete National Environmental Policy Act \(NEPA\)](#)" Backgrounder, The Heritage Foundation, March 14, 2018

² Jordan Lofthouse, "[How Good Intentions Backfire: Negative Effects of Federal Environmental Policies](#)" Institute of Political Economy, Utah State University, October, 2016

³ Philip K. Howard, "[Two Years Not Ten Years: Redesigning Infrastructure Approvals](#)," Common Good, September 2, 2015, p. 3 in Francis Fukuyama, "[Too Much and Too Little Infrastructure](#)", The American Interest, November 8, 2016.

⁴ Diane Katz, "[Time to Repeal the Obsolete National Environmental Policy Act \(NEPA\)](#)" Backgrounder, The Heritage Foundation, March 14, 2018